IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 5TH JANUARY 2007 / 15TH POUSHA, 1928

Bail Appl..No. 7785 of 2006()

AGAINST THE ORDER IN BA.7435/2006
CMP.9179/2006 of J.M.F.C.,MAVELIKKARA
CRIME NO.240/06 OF MAVELIKKARA EXCISE RANGE.

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: APPLICANTS/ACCUSED

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1. BALAKRISHNAN, S/O.CHATHAN,
DEEPU BHAVAN, ARUNOOTTIMANGALAM MURI,
VETTIYAR VILLAGE, MAVELIKKARA.

2. BIJU, S/O.SADANANDAN,
BIJULAL BHAVANAM, ARUNOOTTIMANGALAM MURI,
VETTIYAR VILLAGE, MAVELIKKARA.

BY ADV. SRI.K.V.RAJU

RESPONDENTS:

STATE OF KERALA,
REP. BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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BAIL APPLICATION NO.7785 OF 2006

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DATED THIS THE 5th DAY OF JANUARY, 2007

O R D E R

In this Petition filed under Sec.439 Cr.P.C. the petitioners who are accused Nos.1 and 2 in Crime No.240/06 of Mavelikkara Excise Range for offences punishable under Sections 55(g) and 55(i) of the Abkari Act for having been found in possession of 100 litres of wash on 20.11.2006, seek their enlargement on bail. They surrendered on 28.11.2006.

2. I heard the learned counsel for the petitioners and the learned Public Prosecutor.

3. Having regard to the nature of the offences, the duration of judicial custody of the petitioners and the other circumstances of the case etc., I am inclined to grant bail to the petitioners. Accordingly, the petitioners are directed to be released on bail on each of them executing a bond for Rs. 20,000/- (Rupees twenty thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Mavelikkara and subject to the following conditions:

1. Petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.

2. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.

3. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.

dsn